

SIXTY-FIFTH DAY
(Tuesday, May 16, 1989)

The Senate met at 10:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejada, Truan, Uribe, Washington, Whitmire, Zaffirini.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Our Father, this morning we pray for these who come together to work for a better life for all the people of our State. By act and deed they are known, and our prayer during these remaining days of the session is that they will measure up to their full potential. All have been given different gifts, but each has been given a gift, and may these gifts help bring unity and cohesiveness to the Senate in its deliberations.

In Jesus' name, we pray. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate, after the captions had been read, the following enrolled bills and resolutions:

H.C.R. 92	H.B. 800
H.C.R. 159	H.B. 1010
H.C.R. 203	H.B. 1051
H.C.R. 211	H.B. 1077
H.C.R. 235	H.B. 1155
H.B. 112	H.B. 1212
H.B. 162	H.B. 1243
H.B. 163	H.B. 1301
H.B. 202	H.B. 1359
H.B. 204	H.B. 1407
H.B. 541	H.B. 1558
H.B. 580	H.B. 1632
H.B. 602	H.B. 1700
H.B. 625	H.B. 1841
H.B. 660	H.B. 2095
H.B. 772	H.B. 2551
S.C.R. 122	S.B. 846
S.B. 1	S.B. 984
S.B. 47	S.B. 1010
S.B. 92	S.B. 1015
S.B. 175	S.B. 1021
S.B. 334	S.B. 1032
S.B. 378	S.B. 1081

S.B. 404	S.B. 1102
S.B. 549	S.B. 1103
S.B. 631	S.B. 1388
S.B. 647	S.B. 1407
S.B. 691	S.B. 1427
S.B. 713	S.B. 1558
S.B. 717	S.B. 1587
S.B. 742	S.B. 1672
	S.B. 1710

REPORTS OF STANDING COMMITTEES

Senator Harris submitted the following report for the Committee on Economic Development:

S.B. 1827
H.B. 1631
H.C.R. 201
C.S.H.B. 842

Senator Santiesteban submitted the following report for the Committee on Natural Resources:

H.B. 3112
H.B. 3084
H.B. 2170
H.B. 1745
H.B. 1546
H.B. 1318
H.B. 3018
H.B. 1229
H.B. 946
H.B. 214
H.B. 1606
S.B. 1840
H.B. 2248 (Amended)
H.B. 908 (Amended)
C.S.S.B. 1218

Senator Montford submitted the following report for the Committee on State Affairs:

S.J.R. 75
H.B. 1923
H.B. 353
H.B. 1476
H.B. 2674
H.B. 1772
H.B. 2462
H.B. 2461
H.B. 411
H.B. 137
C.S.H.B. 2288
C.S.S.B. 1004
C.S.S.B. 272

SENATE BILL AND RESOLUTION ON FIRST READING

On motion of Senator Brooks and by unanimous consent, the following bill and resolution were introduced, read first time and referred to the Committee indicated:

S.C.R. 151 by Brooks Jurisprudence
Granting Harris County Hospital District permission to sue the State of Texas and the Alief Independent School District Insurance Fund.

S.B. 1844 by Santiesteban Natural Resources
Relating to the acquisition of water, sewer or drainage systems of certain non-profit corporations by water districts and the assumption of obligations related thereto.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committee indicated:

H.B. 100, To Committee on Health and Human Services.
H.B. 642, To Committee on State Affairs.
H.B. 791, To Committee on Health and Human Services.
H.B. 827, To Committee on State Affairs.
H.B. 913, To Committee on Intergovernmental Relations.
H.B. 925, To Committee on Economic Development.
H.B. 953, To Committee on Natural Resources.
H.B. 993, To Committee on Finance.
H.B. 1022, To Committee on State Affairs.
H.B. 1050, To Committee on State Affairs.
H.B. 1139, To Committee on Natural Resources.
H.B. 1178, To Committee on Economic Development.
H.B. 1196, To Committee on Education.
H.B. 1269, To Committee on Finance.
H.B. 1293, To Committee on Criminal Justice.
H.B. 1330, To Committee on Natural Resources.
H.B. 1412, To Committee on State Affairs.
H.B. 1450, To Committee on Economic Development.
H.B. 1466, To Committee on Health and Human Services.
H.B. 1494, To Committee on State Affairs.
H.B. 1506, To Committee on State Affairs.
H.B. 1520, To Committee on Jurisprudence.
H.B. 1531, To Committee on State Affairs.
H.B. 1557, To Committee on State Affairs.
H.B. 1567, To Committee on Natural Resources.
H.B. 1576, To Committee on State Affairs.
H.B. 1591, To Committee on Jurisprudence.
H.B. 1600, To Committee on State Affairs.
H.B. 1673, To Committee on Intergovernmental Relations.
H.B. 1679, To Committee on State Affairs.
H.B. 1834, To Committee on Intergovernmental Relations.
H.B. 1838, To Committee on Criminal Justice.
H.B. 1865, To Committee on Natural Resources.
H.B. 1879, To Committee on Criminal Justice.
H.B. 1890, To Committee on Education.
H.B. 1947, To Committee on State Affairs.
H.B. 1953, To Committee on Finance.
H.B. 1964, To Committee on Education.

H.B. 1967, To Committee on Health and Human Services.
H.B. 1977, To Committee on Intergovernmental Relations.
H.B. 2024, To Committee on Finance.
H.B. 2037, To Committee on Education.
H.B. 2050, To Committee on Finance.
H.B. 2059, To Committee on State Affairs.
H.B. 2082, To Committee on Natural Resources.
H.B. 2091, To Committee on State Affairs.
H.B. 2104, To Committee on Jurisprudence.
H.B. 2116, To Committee on Health and Human Services.
H.B. 2121, To Committee on Health and Human Services.
H.B. 2124, To Committee on Intergovernmental Relations.
H.B. 2165, To Committee on Finance.
H.B. 2195, To Committee on Education.
H.B. 2201, To Committee on State Affairs.
H.B. 2215, To Committee on Finance.
H.B. 2255, To Committee on State Affairs.
H.B. 2263, To Committee on State Affairs.
H.B. 2294, To Committee on Education.
H.B. 2295, To Committee on Jurisprudence.
H.B. 2318, To Committee on Natural Resources.
H.B. 2376, To Committee on State Affairs.
H.B. 2382, To Committee on Health and Human Services.
H.B. 2404, To Committee on Finance.
H.B. 2409, To Committee on State Affairs.
H.B. 2419, To Committee on Economic Development.
H.B. 2433, To Committee on Economic Development.
H.B. 2435, To Committee on Health and Human Services.
H.B. 2459, To Committee on Economic Development.
H.B. 2468, To Committee on Health and Human Services.
H.B. 2473, To Committee on Health and Human Services.
H.B. 2476, To Committee on Intergovernmental Relations.
H.B. 2501, To Committee on Intergovernmental Relations.
H.B. 2509, To Committee on Jurisprudence.
H.B. 2519, To Committee on State Affairs.
H.B. 2586, To Committee on Economic Development.
H.B. 2603, To Committee on Economic Development.
H.B. 2624, To Committee on Finance.
H.B. 2627, To Committee on Intergovernmental Relations.
H.B. 2631, To Committee on Intergovernmental Relations.
H.B. 2647, To Committee on Health and Human Services.
H.B. 2683, To Committee on Jurisprudence.
H.B. 2690, To Committee on Intergovernmental Relations.
H.B. 2698, To Committee on Health and Human Services.
H.B. 2745, To Committee on State Affairs.
H.B. 2795, To Committee on State Affairs.
H.B. 2845, To Committee on Jurisprudence.
H.B. 2885, To Committee on Natural Resources.
H.B. 2896, To Committee on Jurisprudence.
H.B. 2936, To Committee on Economic Development.
H.B. 2968, To Committee on State Affairs.
H.B. 2970, To Committee on Natural Resources.
H.B. 2974, To Committee on Education.

H.B. 2988, To Committee on State Affairs.
H.B. 2991, To Committee on State Affairs.
H.B. 3016, To Committee on Intergovernmental Relations.
H.B. 3039, To Committee on State Affairs.
H.B. 3041, To Committee on State Affairs.
H.B. 3060, To Committee on Natural Resources.
H.B. 3066, To Committee on Intergovernmental Relations.
H.B. 3079, To Committee on Natural Resources.
H.B. 3108, To Committee on Intergovernmental Relations.
H.B. 3113, To Committee on Intergovernmental Relations.
H.B. 3114, To Committee on Health and Human Services.
H.B. 3116, To Committee on Natural Resources.
H.B. 3123, To Committee on Health and Human Services.
H.B. 3124, To Committee on Health and Human Services.
H.B. 3127, To Committee on Natural Resources.
H.B. 3128, To Committee on Natural Resources.
H.B. 3145, To Committee on Health and Human Services.
H.B. 3148, To Committee on Jurisprudence.
H.B. 3150, To Committee on Health and Human Services.
H.B. 3158, To Committee on Intergovernmental Relations.
H.B. 3167, To Committee on Economic Development.

CO-AUTHOR OF SENATE BILL 1640

On motion of Senator Brooks and by unanimous consent, Senator Carriker will be shown as Co-author of S.B. 1640.

CO-SPONSOR OF HOUSE BILL 1494

On motion of Senator Brooks and by unanimous consent, Senator Montford will be shown as Co-sponsor of H.B. 1494.

CO-SPONSOR OF HOUSE BILL 3018

On motion of Senator Zaffirini and by unanimous consent, Senator Sims will be shown as Co-sponsor of H.B. 3018.

MESSAGE FROM THE HOUSE

House Chamber
May 16, 1989

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.J.R. 102, Proposing a Constitutional amendment relating to the compensation of the lieutenant governor and members of the legislature.

H.B. 1741, Relating to the creation of long term, residential facilities for the placement of juveniles.

H.B. 2312, Relating to computer and computerized information crime, providing a penalty.

H.B. 1873, Relating to statutory probate courts.

S.J.R. 11, Proposing a Constitutional amendment to authorize the exemption from ad valorem taxation certain personal property temporarily in the State for certain purposes. (As substituted)

S.B. 595, Relating to the regulation of psychologists. (As amended)

The House has granted the request of the Senate for the appointment of a Conference Committee on **S.B. 193**. The following have been appointed on the part of the House: Tallas, Chair; Gibson, Harrison, Hilbert, Jones.

The House has granted the request of the Senate for the appointment of a Conference Committee on **S.B. 294**. The following have been appointed on the part of the House: Gibson, Chair; Danburg, Lewis of Orange, Wallace, Watkins.

The House has granted the request of the Senate for the appointment of a Conference Committee on **S.B. 191**. The following have been appointed on the part of the House: Tallas, Chair; Cavazos, Counts, Gavin, Taylor.

The House has refused to concur in Senate amendments to **H.B. 563** and has requested the appointment of a conference committee to consider the differences between the two houses. The following have been appointed on the part of the House: Smith of Travis, Chair; Culberson, McCollough, Richardson, Wentworth.

The House has granted the request of the Senate for the appointment of a Conference Committee on **S.B. 489**. The following have been appointed on the part of the House: Guerrero, Chair; Berlanga, Gibson, Harrison, Waterfield.

The House has concurred in Senate amendments to the following bills by non-record votes:

H.B. 468
H.B. 85
H.B. 1159
H.B. 1106

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILL 1101 WITH HOUSE AMENDMENT

Senator Truan called **S.B. 1101** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Local and Consent Calendars
Committee Amendment - Pierce

Amend **S.B. 1101** as follows:

SECTION 4. EFFECTIVE DATE. This Act takes effect September 1, 1989, and a railroad company required to report under this Act shall file its first report not later than April 1, 1990.

The amendment was read.

On motion of Senator Truan and by unanimous consent, the Senate concurred in the House amendment to **S.B. 1101** viva voce vote.

SENATE BILL 226 WITH HOUSE AMENDMENT

Senator Harris called **S.B. 226** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Floor Amendment - Gavin

Amend **S.B. 226** on page 11, line 13, by adding a new paragraph (d) to Subdivision 6 to read as follows:

(d) Notwithstanding other provisions of law, an employer may insure the lives of its officers, directors, employees, and retirees under this Subdivision for the purpose of and in an amount necessary to provide funds to offset fringe benefit-related liabilities. Evidence of the purpose of the policy shall be submitted to the Commissioner. A policy issued for such purpose shall not diminish other life insurance benefits if any are offered or provided by such employer. The provisions of "Section 2, Subdivisions 5 through 10" of this Article shall not apply to such policies.

The amendment was read.

Senator Harris moved to concur in the House amendment to **S.B. 226**.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent: Barrientos, Santiesteban, Tejeda, Washington.

**SENATE CONCURRENT RESOLUTION 61
WITH HOUSE AMENDMENTS**

Senator Johnson called **S.C.R. 61** from the President's table for consideration of the House amendments to the resolution.

The President laid the resolution and the House amendments before the Senate.

Floor Amendment No. 1 - Shine

Amend **S.C.R. 61** on page 1 by deleting lines 4 through 6 and inserting the following:

Whereas, That policy can best be achieved by loving parenting with the support of schools, religious leaders, local communities and the state's educational leadership; and

Floor Amendment No. 2 - Heflin

Amend **S.C.R. 61** on page 1 between lines 23 and 24 and insert the following:

Resolved, That any sex education curriculum be designed to protect the modesty of school age children by designing the materials for both all female and all male classes; and, be it further

Floor Amendment No. 3 - Culberson

Amend **S.C.R. 61** as follows:

1. On page 1, line 15, insert the following language between "Texas" and "receive":

"be given the opportunity to"

2. On page 1, line 19, strike the following:

"continue and increase it's efforts to promulgate and"

Floor Amendment No. 4 - S. Johnson

Amend **S.C.R. 61** as follows:

(3) On page 3, strike lines 11-14, and substitute the following:

"the latest medical information that indicates health consequences and statistical efficacy of contraception"

The amendments were read.

Senator Johnson moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the resolution.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on S.C.R. 61 before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the resolution: Senators Johnson, Chairman; Barrientos, Truan, Edwards and Brooks.

SENATE BILL 621 WITH HOUSE AMENDMENTS

Senator Johnson called S.B. 621 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Committee Amendment No. 1 - Blair

Amend S.B. 621 by striking all below the enacting clause and substituting in lieu thereof the following:

SECTION 1. Subchapter A, Chapter 214, Local Government Code, is amended by adding Section 214.003 to read as follows:

Sec. 214.003. RECEIVER. (a) A home-rule municipality may bring an action in district court against an owner of residential property that is not in substantial compliance with the municipal ordinances regarding:

- (1) fire protection;
- (2) structural integrity;
- (3) zoning; or
- (4) disposal of refuse.

(b) The court may appoint as a receiver for the property a nonprofit organization with a demonstrated record of rehabilitating residential properties if the court finds that:

- (1) notice was given to the record owner of the property;
- (2) the structures on the property are in violation of the standards set out in an ordinance described by Subsection (a) or Section 214.001(b);
- (3) the owner of the property has had a reasonable time to repair or demolish the property;
- (4) a public hearing as required by Section 214.001(c) has been conducted; and
- (5) the condition of the property or the structures on the property creates a substantial risk of:

(A) injury to the occupants of the property or other persons in the community; or

(B) damage to other property.

(c) For the purposes of this section, if the record owner does not appear at the hearing required by Section 214.001(c), the hearing shall be conducted as if the owner had personally appeared.

(d) In the action, the record owners and any lienholders of record of the property shall be served with personal notice of the proceedings or, if not available after due diligence, may be served by publication. Actual service or service by publication on the record owners or lienholders constitutes notice to all unrecorded owners or lienholders.

(e) The court may issue, on a showing of imminent risk of injury to any person occupying the property or a person in the community, any mandatory or prohibitory temporary restraining orders and temporary injunctions necessary to protect the public health and safety.

(f) A receiver appointed by the court may:

- (1) take control of the property;
- (2) collect rents due on the property;
- (3) make or have made any repairs necessary to bring the property into compliance with minimum standards in local ordinances;
- (4) make payments necessary for the maintenance or restoration of utilities to the properties;
- (5) purchase materials necessary to accomplish repairs;
- (6) renew existing rental contracts and leases;
- (7) enter into new rental contracts and leases;
- (8) affirm, renew, or enter into a new contract providing for insurance coverage on the property; and
- (9) exercise all other authority that an owner of the property would have except for the authority to sell the property.

(g) On the completion of the restoration to the property of the minimum code standards of the municipality:

- (1) the receiver shall file with the court a full accounting of all costs and expenses incurred in the repairs, including reasonable costs for labor and supervision, and all income received from the property;
- (2) if the income exceeds the cost and expense of rehabilitation, the rehabilitated property shall be restored to the owners and any net income shall be returned to the owners; and
- (3) if costs and expenses exceed the income received during the receivership, the receiver shall maintain control of the property until the time all rehabilitation and maintenance costs are recovered.

(h) Any record lienholder may, after initiation of an action by a municipality:

- (1) intervene in the action; and
- (2) request appointment as a receiver:
 - (A) under the same conditions as the nonprofit organization; and
 - (B) on a demonstration to the court of an ability and willingness to rehabilitate the property.

(i) For the purposes of this section, the interests and rights of an unrecorded lienholder or unrecorded property owner are, in all respects, inferior to the rights of a duly appointed receiver.

(j) The court may not appoint a receiver for any property that:

- (1) is an owner-occupied, single-family residence; or
- (2) is zoned nonresidential and used in a nonresidential character.

SECTION 2. This Act takes effect September 1, 1989.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Committee Amendment No. 2 - Earley

Amend C.S.S.B. 621 by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter A, Chapter 214, Local Government Code, is amended by adding Section 214.003 to read as follows:

Sec. 214.003. RECEIVER. (a) A home-rule municipality may bring an action in district court against an owner of residential property that is not in substantial compliance with the municipal ordinances regarding:

- (1) fire protection;
- (2) structural integrity;
- (3) zoning; or
- (4) disposal of refuse.

(b) The court may appoint as a receiver for the property a nonprofit organization with a demonstrated record of rehabilitating residential properties if the court finds that:

(1) the structures on the property are in violation of the standards set forth in Section 214.001(b) and an ordinance described by Subsection (a);

(2) notice of violation was given to the record owner of the property;

and

(3) a public hearing as required by Section 214.001(c) has been conducted.

(c) For the purposes of this section, if the record owner does not appear at the hearing required by Section 214.001(c), the hearing shall be conducted as if the owner had personally appeared.

(d) In the action, the record owners and any lienholders of record of the property shall be served with personal notice of the proceedings or, if not available after due diligence, may be served by publication. Actual service or service by publication on the record owners or lienholders constitutes notice to all unrecorded owners or lienholders.

(e) The court may issue, on a showing of imminent risk of injury to any person occupying the property or a person in the community, any mandatory or prohibitory temporary restraining orders and temporary injunctions necessary to protect the public health and safety.

(f) A receiver appointed by the court may:

- (1) take control of the property;
- (2) collect rents due on the property;
- (3) make or have made any repairs necessary to bring the property into compliance with minimum standards in local ordinances;
- (4) make payments necessary for the maintenance or restoration of utilities to the properties;
- (5) purchase materials necessary to accomplish repairs;
- (6) renew existing rental contracts and leases;
- (7) enter into new rental contracts and leases;
- (8) affirm, renew, or enter into a new contract providing for insurance coverage on the property; and

(9) exercise all other authority that an owner of the property would have except for the authority to sell the property.

(g) On the completion of the restoration to the property of the minimum code standards of the municipality:

(1) the receiver shall file with the court a full accounting of all costs and expenses incurred in the repairs, including reasonable costs for labor and supervision, and all income received from the property;

(2) if the income exceeds the cost and expense of rehabilitation, the rehabilitated property shall be restored to the owners and any net income shall be returned to the owners; and

(3) if costs and expenses exceed the income received during the receivership, the receiver shall maintain control of the property until the time all rehabilitation and maintenance costs are recovered.

(h) Any record lienholder may, after initiation of an action by a municipality:

(1) intervene in the action; and

(2) request appointment as a receiver:

(A) under the same conditions as the nonprofit organization; and

(B) on a demonstration to the court of an ability and willingness to rehabilitate the property.

(i) For the purposes of this section, the interests and rights of an unrecorded lienholder or unrecorded property owner are, in all respects, inferior to the rights of a duly appointed receiver.

(j) The court may not appoint a receiver for any property that:

(1) is an owner-occupied, single-family residence; or

(2) is zoned nonresidential and used in a nonresidential character.

SECTION 2. This Act takes effect September 1, 1989.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendments were read.

On motion of Senator Johnson and by unanimous consent, the Senate concurred in the House amendments to S.B. 621 viva voce vote.

SENATE BILL 94 WITH HOUSE AMENDMENT

Senator Henderson called S.B. 94 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Floor Amendment - Delco

Amend S.B. 94 on page 8, line 18, by striking the word "shall" and substituting the word "may" and on page 8, line 21, by striking the word "shall" and substituting the word "may".

The amendment was read.

Senator Henderson moved to concur in the House amendment to S.B. 94.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent: Barrientos, Santiesteban, Tejeda, Washington.

HOUSE BILL ON FIRST READING

The following bill received from the House was read the first time and referred to the Committee indicated:

H.B. 1741, To Committee on Health and Human Services.

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President announced the time had arrived to consider the Executive appointments to agencies, boards and commissions. Notice of submission of these names for consideration was given yesterday by Senator Edwards.

Senator Edwards moved confirmation of the nominees reported Friday, May 12, 1989, by the Committee on Nominations.

The President asked if there were requests to sever nominees.

Senator Edwards requested that the nomination of Richard Lee Morgan, to be Commissioner of the Texas Department of Labor and Standards, be severed.

The request was granted.

NOMINEES CONFIRMED

The following nominees, not severed and reported Friday, May 12, 1989, by the Committee on Nominations, were confirmed by the following vote: Yeas 27, Nays 0.

Absent: Barrientos, Santiesteban, Tejeda, Washington.

Members, Board of Regents, West Texas State University: MRS. BECKY LOVE DODSON, Randall County; T. BOONE PICKENS, JR., Potter County; EDWARD R. SCOTT, JR., Randall County; H. EDWARD TOLES, Dallas County.

Member, Texas Housing Agency: STEPHEN W. McALLISTER, Bexar County.

Members, Board of Trustees, Teacher Retirement System of Texas: STEPHEN C. MAHOOD, Dallas County; FRANK MONROE, Dallas County; CLARENCE A. ROBERSON, Tarrant County; DR. DANA WILLIAMS, Nueces County.

Members, Agricultural Diversification Board: MILTON JAY ANDERSON, Colorado County; MRS. MARY LOU GRIER, Kendall County; WALTER "PINKY" SHERIDAN HARPOOL, Denton County; JERRY HARRIS, Dawson County; GEORGE BEN MATHERS, JR., Hemphill County.

Members, State Board of Veterinary Medical Examiners: DR. LARRY MICHAEL DUBUISSON, Hidalgo County; MRS. OLIVIA RUTH EUDALY, Tarrant County; DR. ROBERT D. LEWIS, Bastrop County; DR. EDWARD S. MURRAY, Dickens County.

Members, Teachers' Professional Practices Commission: DR. AUDEAN ALLMAN, Harris County; CHARLES W. BLANTON, Dallas County; MS. DIANE EWING, Dallas County; ROBERT CECIL GORE, Aransas County; MRS. JIMMYE R. HANCOCK, Lamar County; MICHAEL GARY HARDIN, Tarrant County; MRS. DRUSILLA M. KNIGHT, Nueces County; CARROLL BERT LOCKETT, Lubbock County; MRS. HAZEL MARIE MOYE, Hidalgo County; DR. ARNOLD D. OATES, Bexar County; MRS. EVELYN CAMPBELL REED, Bexar County; MS. THOMASINE SPARKS, Kleberg County; MRS. SUSAN TUMINELLO, Harris County; THOMAS WENDELL WHITTENBURG, Nolan County.

Member, Advisory Council on Community Affairs: MARK R. WALLOCK, Guadalupe County.

Member, Texas Board of Architectural Examiners: CLEVELAND TURNER III, Potter County.

Member, Board of Directors, Brazos River Authority: CHAUNCEY L. BOGAN, Harris County.

Member, Texas State Board of Examiners of Professional Counselors: MRS. JANE LOUISE BOCK GUZMAN, Dallas County.

Member, State Seed and Plant Board: BENITO TREVINO, JR., Starr County.

Member, Rio Grande Valley Municipal Water Authority: ROEL R. RAMIREZ, Starr County.

Members, Rio Grande Valley Pollution Control Authority: KEN L. ESPENSEN, SR., Hidalgo County; MRS. MARIA ALIDA HERNANDEZ, Hidalgo County; ADOLPH TIJERINA, Cameron County.

Member, State Board of Barber Examiners: MRS. SHARON JESCHKE CARPER, Lubbock County.

Member, Battleship Texas Advisory Board: GEORGE W. "TREY" STRAKE III, Harris County.

Member, Radiation Advisory Board: DR. RODOLFO LUCAS VILLARREAL, Harris County.

Member, Texas Commission on Alcohol and Drug Abuse: JERRY P. CUNNINGHAM, Dallas County.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was filed with the Secretary of the Senate:

Austin, Texas
May 15, 1989

TO THE SENATE OF THE SEVENTY-FIRST LEGISLATURE,
REGULAR SESSION:

On January 31, 1989, I nominated Mr. Richard Lee Morgan of Dallas for reappointment as Commissioner of Labor and Standards for a term to expire February 1, 1991. Commissioner Morgan has asked that his name be withdrawn; therefore, I request that the Senate return this appointment to me.

Respectfully submitted,
/s/W. P. Clements, Jr.
William P. Clements, Jr.
Governor of Texas

NOMINATION RETURNED TO GOVERNOR

On motion of Senator Edwards and by unanimous consent, the Senate granted the request of the Governor to return the nomination of Richard Lee Morgan of Dallas, to be Commissioner of the Texas Department of Labor and Standards.

SENATE RESOLUTION 652

Senator Truan offered the following resolution:

WHEREAS, In December, 1979, a group of Corpus Christi citizens in the Agnes Street area formed an ad hoc group that later became known as the Westside Business Association to present the Texas Department of Highways and Public Transportation with a request for the inclusion of a crossover in the construction plans at the intersection of Texas State Highway 44 and South Padre Island Drive; and

WHEREAS, In January, 1980, a delegation of city and county officials and private citizens led by Senator Carlos F. Truan travelled to Austin to meet with the Highway Commission and were successful in their efforts to have the \$9.8 million crossover approved, built, and dedicated in October, 1983; and

WHEREAS, The Agnes Street group considered the implementation of some other projects with Community Development Block Grants; one such project

adopted by the group was the erection of a statue at the Agnes-Laredo triangle in Corpus Christi of the Spaniard who first mapped the entire Gulf Coast from Florida to the Rio Panuco in Veracruz, Mexico, Capitan Alonzo Alvarez de Pineda; and

WHEREAS, The group formally received its charter on January 21, 1981, which designated them as the "Westside Business Association"; and

WHEREAS, One of the Westside Business Association's first projects after it was chartered was the acquisition of a site located in the 2500 block of Laredo and Agnes Streets in the City of Corpus Christi for the purpose of building a plaza; and

WHEREAS, Through the combined efforts of all the members of the Westside Business Association, a marker was donated for the Sergeant Ruben Almanza Park, in memory of a Corpus Christi Police Officer who was killed in the line of duty; and

WHEREAS, During 1985, the Westside Business Association was instrumental in getting a railroad passenger service established between Corpus Christi and Laredo, via the Tex-Mex Railroad; and

WHEREAS, The Westside Business Association received the White Glove Award from the Keep America Beautiful Organization for its clean-up and beautification efforts; and

WHEREAS, The Westside Business Association has been working on the idea for a Mexican Market Place for the past 10 years, projecting that it would bring more business to the Agnes-Laredo Streets corridor; and

WHEREAS, Ground has already been broken for the Center of the Hispanic Arts, made possible by a grant of \$500,000 from the Federal Development Block Grant Program and supported by the Westside Business Association; and

WHEREAS, Presently, the Association is working on the erection of a statue honoring the colonizer of South Texas, Capitan Blas Maria de la Garza Falcon, who not only established the first successful colony but brought Christianity to the Indians, explored the islands, and introduced ranching and longhorn cattle to the area; now, therefore, be it

RESOLVED by the Senate of the State of Texas, 71st Legislature, That the Westside Business Association is hereby commended for its visionary efforts on behalf of the Citizens of Corpus Christi and congratulated for its many worthwhile accomplishments; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the Westside Business Association as a token of gratitude and appreciation from the Texas Senate.

The resolution was read and was adopted viva voce vote.

GUESTS PRESENTED

Senator Truan introduced the following guests associated with the Westside Business Association: Oscar G. Flores, President; Noe Mendez, Secretary; E. G. (Ted) Estrada, Founder; John R. Wright, Corresponding Secretary, and Fernando M. Iglesias, Westside Business Association Member.

The Senate welcomed these gentlemen as they were escorted to the President's Rostrum for a presentation of S.R. 652.

SENATE BILL 1840 ORDERED NOT PRINTED

On motion of Senator Sims and by unanimous consent, S.B. 1840 was ordered not printed.

**COMMITTEE SUBSTITUTE
SENATE BILL 1574 ON SECOND READING**

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1574, Relating to the regulation of the practice of marital and family therapy; establishing a board; providing for fees; providing for the inclusion of the services of those therapists in health insurance coverage; and providing a penalty.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1574 ON THIRD READING**

Senator Brooks moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1574** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

HOUSE BILL 2136 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 2136, Relating to the adoption of a nonsubstantive revision of the statutes relating to health and safety, including conforming amendments, repeals, and penalties.

The bill was read second time.

Senator Brooks offered the following committee amendment to the bill:

ARTICLE 1

Amend **H.B. 2136** as follows:

(1) On page 4, strike line 27 and substitute "Chapter 263. County Hospitals and Other Health Facilities".

(2) On page 6, strike line 25 and substitute "Chapter 401. Radioactive Materials and Other Sources of Radiation".

(3) On page 49, line 9, strike "REIMBURSEMENT" and substitute "OTHER BENEFITS".

(4) On page 49, line 22, between "DEFINITIONS." and "In", insert "(a)".

(5) On page 51, line 26, between the period and "(V.A.C.S.", insert the following:

"(b) The board by rule may define a word or term not defined by Subsection (a) as necessary to administer this chapter. The board may not define a word or term so that the word or term is inconsistent or in conflict with the purposes of this chapter, or is in conflict with the definition and conditions of practice governing a provider who is required to be licensed, registered, certified, identified, or otherwise sanctioned under the laws of this state."

(6) On page 51, strike line 27 and substitute "4438d, Secs. 2(a) (part), (b).)".

(7) On page 52, strike line 14 and substitute "(d) The board shall adopt rules under Subsection (c) relating to the".

(8) On page 52, strike line 18 and substitute "(e) The board shall adopt rules under Subsection (c) relating to the types of".

(9) On page 57, line 27, between "determine" and "the", insert "or cause to be determined".

(10) On page 58, line 9, between "determine" and "an", insert "or cause to be determined".

(11) On page 59, line 9, strike "REIMBURSEMENT" and substitute "OTHER BENEFITS".

(12) On page 59, between lines 9 and 10, insert the following: "The department shall require an individual receiving services under this chapter, or the person with a legal obligation to support the individual, to pay for or reimburse the department for that part of the cost of the services that the individual or person is financially able to pay."

(13) On page 59, line 10, before "Except", insert "(b)".

(14) On page 59, line 15, strike "(b)" and substitute "(c)".

(15) On page 59, strike lines 20-24.

(16) On page 60, line 2, between "of" and "this", insert "Subsections (b)-(d) of".

(17) On page 66, line 7, strike "REIMBURSEMENT" and substitute "OTHER BENEFITS".

(18) On page 67, line 6, between "services" and "appropriate", insert "and ancillary services".

(19) On page 68, line 18, between "services" and "that", insert "and ancillary services".

(20) On page 68, line 19, strike "first day of the 21st" and substitute "20th complete".

(21) On page 68, line 23, between "services" and "that", insert "and ancillary services".

(22) On page 77, line 4, between "determine" and "the", insert "or cause to be determined".

(23) On page 77, line 13, between "determine" and "an", insert "or cause to be determined".

(24) On page 78, line 26, strike "REIMBURSEMENT" and substitute "OTHER BENEFITS".

(25) On page 78, between lines 26 and 27, insert the following: "The department shall require an individual receiving services under this chapter, or the person with a legal obligation to support the individual, to pay for or reimburse the department for that part of the cost of the services that the individual or person is financially able to pay."

(26) On page 78, line 27, before "Except", insert "(b)".

(27) On page 79, line 5, strike "(b)" and substitute "(c)".

(28) On page 79, strike lines 10-14.

(29) On page 79, line 19, between "of" and "this", insert "Subsections (b)-(d) of".

(30) On page 91, line 10, strike "REIMBURSEMENT" and substitute "FINANCIAL ELIGIBILITY; OTHER BENEFITS".

(31) On page 91, line 22, between "a" and "disease", insert "malignant".

(32) On page 92, line 21, strike "or" and substitute "and".

(33) On page 100, line 15, strike "REIMBURSEMENT" and substitute "FINANCIAL ELIGIBILITY; OTHER BENEFITS".

(34) On page 100, line 19, before "able", insert "financially".

(35) On page 100, line 20, between "services" and "to", insert "under this chapter".

(36) On page 101, between lines 8 and 9, insert the following:

"(e) The department may collect the cost of services provided under this chapter directly from Title XVIII or Title XIX of the Social Security Act (42 U.S.C. Sections 1395 et seq. and 1396 et seq.), any personal insurance, a health maintenance organization, or any other third party who has a legal obligation to pay other benefits."

(37) On page 101, line 9, strike "(part)".

(38) On page 101, strike lines 11-18 and substitute "recover the cost of services provided under this chapter from a person who does not pay or reimburse the department as required by Section 35.007 or from any third party who has a legal obligation to pay other benefits."

(39) On page 101, line 25, strike "Secs." and substitute "Sec."

(40) On page 101, line 26, strike "5(c) (part)".

(41) On page 106, strike line 6 and substitute "screening of individuals who attend public or private".

(42) On page 107, line 17, strike "program" and substitute "programs".

(43) On page 109, line 12, between "services" and "administered", insert "that remediate those disorders and that are".

(44) On page 119, line 5, strike "The department may charge a fee for" and substitute "Recipients of".

(45) On page 119, line 6, between "program" and "according", insert "may be charged a fee for services or training".

(46) On page 120, strike lines 21 and 22 and substitute "Sec. 40.005. FEES. Program patients may be charged a fee for services according to rules adopted".

(47) On page 125, strike line 10 and substitute "Sec. 42.001. SHORT TITLE; PURPOSE".

(48) On page 126, strike line 3 and substitute "Sec. 42.001. SHORT TITLE; PURPOSE. (a) This chapter may be cited as the".

(49) On page 126, strike line 4 and substitute the following: "Texas Kidney Health Care Act.

"(b) The state finds that one of the most serious and tragic problems facing the public health and welfare is the death each year from chronic kidney disease of hundreds of persons in this state, when the present state of medical art and technology could return many of those individuals to a socially productive life. Patients may die for lack of personal financial resources to pay for the expensive equipment and care necessary for survival. The state therefore recognizes a responsibility to allow its citizens to remain healthy without being pauperized and a responsibility to use the resources and organization of the state to gather and disseminate information on the prevention and treatment of chronic kidney disease.

"(c) A comprehensive program to combat kidney disease must be implemented through the combined and correlated efforts of individuals, state and local governments, persons in the field of medicine, universities, and nonprofit organizations. The program provided by this chapter is designed to direct the use of resources and to coordinate the efforts of the state in this vital matter of public health. (V.A.C.S. Art. 4477-20, Secs. 1, 2.)"

(50) On page 134, line 24, strike "REIMBURSEMENT" and substitute "FINANCIAL ELIGIBILITY; OTHER BENEFITS".

(51) On page 135, line 12, between "DEFINITIONS." and "In", insert "(a)".

(52) On page 136, line 22, between the period and "(V.A.C.S.", insert the following:

"(b) The board by rule may define a word or term not defined by Subsection (a) as necessary to administer this chapter. The board may not define a word or term so that the word or term is inconsistent or in conflict with the purposes of this chapter."

(53) On page 136, strike line 23 and substitute "Secs. 3(a) (part), (b).)".

- (54) On page 142, line 26, strike "fair" and substitute "due process".
- (55) On page 143, line 13, strike "REIMBURSEMENT" and substitute "FINANCIAL ELIGIBILITY; OTHER BENEFITS".
- (56) On page 143, strike lines 24 and 25 and substitute the following: "(c) When the application is made under this chapter or at any time during eligibility and the receipt of treatment services, the applicant for or recipient".
- (57) On page 144, line 15, between "not" and "reimburse", insert "pay or".
- (58) On page 195, line 2, strike "disease or condition" and substitute "reportable disease".
- (59) On page 234, line 9, strike "entity" and substitute "facility".
- (60) On page 264, line 22, between "the" and "disease", insert "communicable".
- (61) On page 310, strike line 11 and substitute "Sec. 121.006. PUBLIC HEALTH SERVICES FEES; STATE SUPPORT".
- (62) On page 310, line 15, strike "LOCAL".
- (63) On page 312, strike line 24 and substitute "Sec. 121.006. PUBLIC HEALTH SERVICES FEES; STATE SUPPORT. (a) The".
- (64) On page 313, line 10, strike "over an ordinance or".
- (65) On page 313, line 11, strike "rule adopted under this section".
- (66) On page 314, line 22, strike "LOCAL".
- (67) On page 315, line 25, between "quarantine" and the semicolon, insert "in the health authority's jurisdiction".
- (68) On page 316, line 1, between "sanitation" and the semicolon, insert "in the health authority's jurisdiction".
- (69) On page 316, line 3, between "diseases" and "to", insert "in the health authority's jurisdiction".
- (70) On page 316, line 7, between "of" and the colon, insert "the following in the health authority's jurisdiction".
- (71) On page 316, strike lines 23-27, and on page 317, strike lines 1-11 and substitute the following:
- "Sec. 121.032. POWERS AND DUTIES. (a) A local health department may perform all public health functions that the municipality or county that establishes the local health department may perform.
- "(b) For purposes of Section 121.005, a local health department shall be identified by its program of public health services and shall, at a minimum, provide:
- "(1) personal health promotion and maintenance services;
- "(2) infectious disease control and prevention services;
- "(3) environmental and consumer health programs for the enforcement of health and safety laws relating to food, water, waste control, general sanitation, and vector control;
- "(4) public health education and information services;
- "(5) laboratory services; and
- "(6) administrative services. (V.A.C.S. Art. 4436b, Secs. 4.07(b), 4.09(a) (part), (b) (part).)".
- (72) On page 319, strike lines 7-13 and substitute the following:
- "Sec. 121.043. POWERS AND DUTIES. (a) A public health district may perform any public health function that any of its members may perform unless otherwise restricted by law.
- "(b) For purposes of Section 121.005, a public health district shall be identified by its program of public health services and shall, at a minimum, provide the services listed for a local health department under Section 121.032(b). (V.A.C.S. Art. 4436b, Secs. 4.02, 4.09(a) (part), (b) (part).)".
- (73) On page 335, line 26, before "consideration", insert "pay or other".

(74) On page 336, line 2, between “office” and “that”, insert “of a home health agency”.

(75) On page 414, strike lines 19 and 20 and substitute “obtain, without expense to the state, transcripts of vital records without payment of the fees prescribed by this chapter.”.

(76) On page 488, line 5, between “from” and “inspection”, insert “a licensing”.

(77) On page 488, line 6, between “a” and “license”, insert “renewal”.

(78) On page 488, line 8, between “the” and “accreditation”, insert “certification or”.

(79) On page 539, strike line 18.

(80) On page 539, line 19, strike “241.007-241.020” and substitute “241.006-241.020”.

(81) On page 541, line 23, between “surgery” and “obstetrical”, strike the comma and substitute “or”.

(82) On page 541, line 23, between “care” and “or”, strike the comma.

(83) On page 543, strike lines 18-21.

(84) On page 543, line 22, strike “241.007-241.020” and substitute “241.006-241.020”.

(85) On page 544, line 23, between the period and “(V.A.C.S.”, insert “A hospital located outside the limits of a municipality shall comply with corresponding state laws.”.

(86) On page 544, line 24, strike “(part)”.

(87) On page 592, line 9, between the period and “(V.A.C.S.”, insert the following:

“(c) A person shall make an oral report immediately on learning of the abuse or neglect and shall make a written report to the same agency not later than the fifth day after the oral report is made.”.

(88) On page 592, strike line 10 and substitute “Art. 4442c, Secs. 16(a), (b)(4) (part).)”.

(89) On page 593, strike lines 5-9 and substitute “report of abuse or neglect shall refer the report to the department or the designated agency.”.

(90) On page 593, line 10, strike “the designated agency.”.

(91) On page 593, line 11, strike “, (4) (part)”.

(92) On page 594, line 2, strike “must” and substitute “shall”.

(93) On page 595, line 16, strike “must” and substitute “shall”.

(94) On page 602, line 13, strike “must” and substitute “shall”.

(95) On page 609, line 18, between the period and “Each”, begin a new paragraph and insert “(b)”.

(96) On page 609, line 20, strike “(b)” and substitute “(c)”.

(97) On page 610, line 17, between “a” and “license”, insert “renewal”.

(98) On page 610, line 27, between “center” and “certified”, insert “licensed by the department and”.

(99) On page 611, line 3, between “chapter” and the period, insert “while the center maintains the certification”.

(100) On page 612, line 6, between “certification” and “under”, insert “of ambulatory surgical centers”.

(101) On page 613, line 19, between “243.003” and the period, insert “(a)”.

(102) On page 615, line 8, between the period and “Each”, begin a new paragraph and insert “(b)”.

(103) On page 615, line 9, strike “(b)” and substitute “(c)”.

(104) On page 618, line 21, between “244.003” and the period, insert “(a)”.

(105) On page 620, line 18, between the period and “Each”, begin a new paragraph and insert “(b)”.

(106) On page 620, line 19, strike “(b)” and substitute “(c)”.

- (107) On page 620, line 23, strike "facility" and substitute "hospital".
- (108) On page 621, line 15, strike "To renew" and substitute "As a condition for renewal of".
- (109) On page 622, line 15, between "standards" and "for", insert ", if any,".
- (110) On page 625, line 24, between "245.003" and the period, insert "(a)".
- (111) On page 682, strike line 13 and substitute "CHAPTER 263. COUNTY HOSPITALS AND OTHER HEALTH FACILITIES".
- (112) On page 682, strike line 15.
- (113) On page 682, line 16, strike "263.002" and substitute "263.001".
- (114) On page 682, line 17, strike "263.003" and substitute "263.002".
- (115) On page 682, line 18, strike "263.004-263.020" and substitute "263.003-263.020".
- (116) On page 684, strike line 22 and substitute "CHAPTER 263. COUNTY HOSPITALS AND OTHER HEALTH FACILITIES".
- (117) On page 684, strike lines 24-26.
- (118) On page 684, line 27, strike "263.002" and substitute "263.001".
- (119) On page 685, line 10, strike "263.003" and substitute "263.002".
- (120) On page 685, line 14, strike "263.004-263.020" and substitute "263.003-263.020".
- (121) On page 685, line 19, between "hospital" and "or", insert "or any medical or other health facility".
- (122) On page 685, line 20, between "hospital" and "in", insert "or facility for the care and treatment of persons who are sick or injured".
- (123) On page 685, line 23, between "hospital" and the period, insert "or any medical or other health facility".
- (124) On page 686, line 5, between "hospital" and the period, insert "or facility".
- (125) On page 686, line 7, between "hospital" and "more", insert "or facility".
- (126) On page 686, line 14, between "hospital" and "as", insert "or medical or other health facility".
- (127) On page 686, line 15, between "hospital" and the period, insert "or facility".
- (128) On page 686, line 16, between "hospital" and the comma, insert "or facility".
- (129) On page 686, line 25, between "hospital" and the comma, insert "or facility".
- (130) On page 687, line 1, between "hospital" and "or", insert "or facility".
- (131) On page 687, line 2, between "hospital" and the semicolon, insert "or facility".
- (132) On page 687, line 6, between "hospital" and "and", insert "or facility".
- (133) On page 689, line 15, between "hospital" and the period, insert "facility".
- (134) On page 691, line 17, strike "board" and substitute "Texas Board of Health".
- (135) On page 691, line 18, between "hospital" and "under", insert "or facility".
- (136) On page 692, line 3, between "hospital" and "operated", insert "or medical or other health facility".
- (137) On page 694, line 18, between "hospital" and "constructed", insert "or medical facility".
- (138) On page 694, line 23, between "hospital" and "should", insert "or facility".
- (139) On page 694, line 27, between "hospital" and "to", insert "or facility".
- (140) On page 695, line 9, between "hospital" and "after", insert "or medical or other health facility".

(141) On page 875, strike line 23 and substitute “public, a common drinking cup may not be used.”.

(142) On page 875, strike lines 24 and 25.

(143) On page 875, line 27, between “mediums.” and “(V.A.C.S.)”, insert the following:

“(d) In this section, “common drinking cup” means a water or other beverage receptacle used for serving more than one person. The term does not include a water or other beverage receptacle that is properly washed and sterilized after each use.”.

(144) On page 877, line 3, between “a” and “certificate”, insert “valid”.

(145) On page 883, line 14, between “a” and “swimming”, insert “public”.

(146) On page 1081, line 21, between “adopt” and “procedures”, insert “and may amend”.

(147) On page 1105, strike line 4 and substitute “Sec. 363.142. TAX STATUS OF BONDS. Since a public agency is a public entity performing an essential public function, bonds issued by the”.

(148) On page 1138, line 13, between “designate” and “an”, insert “a local governmental entity as”.

(149) On page 1138, lines 13 and 14, strike “to be designated”.

(150) On page 1228, strike line 24 and substitute “CHAPTER 401. RADIOACTIVE MATERIALS AND OTHER SOURCES OF RADIATION”.

(151) On page 1232, strike line 14 and substitute “Sec. 401.264. NOTICE AND HEARING”.

(152) On page 1233, strike line 23 and substitute “Sec. 401.389. DISPOSITION OF PENALTY; JUDICIAL REVIEW”.

(153) On page 1234, strike line 3 and substitute “Chapter 401. RADIOACTIVE MATERIALS AND OTHER SOURCES OF RADIATION”.

(154) On page 1239, line 7, strike “a”.

(155) On page 1253, line 11, strike “and”.

(156) On page 1253, line 12, between “securities” and the period, insert “; and “(6) other security acceptable to the department”.

(157) On page 1254, line 16, between “license” and “to”, insert “application”.

(158) On page 1254, line 17, between “persons” and “shall”, insert “;”.

(159) On page 1255, strike lines 22 and 23 and substitute “(17) a monitoring program for applicants that includes precense and postlicense monitoring of”.

(160) On page 1265, strike line 15 and substitute “Sec. 401.264. NOTICE AND HEARING. (a)”.

(161) On page 1265, line 17, between “analysis” and “in”, insert “to determine whether to issue or renew a license to process materials that produce by-product materials”.

(162) On page 1266, line 3, strike “on an environmental”.

(163) On page 1266, line 4, strike “analysis”.

(164) On page 1267, strike line 16 and substitute “government, is owned by the federal government, or is owned by the state.”.

(165) On page 1274, line 23, between “\$10,000” and the period, insert “a day for a person who violates this chapter or a rule, order, license, or registration issued under this chapter”.

(166) On page 1274, strike line 24 and substitute “Each day a violation continues may be considered a”.

(167) On page 1275, line 16, between “penalty” and the period, insert “; which shall be based on the seriousness of the violation as determined from the facts surrounding the violation”.

(168) On page 1277, strike line 12 and substitute "Sec. 401.389. DISPOSITION OF PENALTY; JUDICIAL REVIEW. (a) Not later than".

(169) On page 1277, strike line 13 and substitute "the 30th day after the date on which the commissioner's order".

(170) On page 1277, line 14, strike "401.387 or 401.388".

(171) On page 1277, line 15, between "penalty" and the period, insert "or file a petition for judicial review".

(172) On page 1278, between lines 1 and 2, insert the following:

"(e) Judicial review of the order or decision of the commissioner assessing the penalty shall be under Section 19, Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes)."

(173) On page 1278, line 2, between "(k)" and the period, insert ", (l)".

(174) On page 1470, strike line 20 and substitute "products for pasteurization shall include, in addition to any other tests that may be required,".

(175) On page 1470, line 21, strike "including".

(176) On page 1471, line 18, between "sale" and "in", insert "or to be sold".

(177) On page 1510, line 1, strike "and" and substitute "or".

(178) On page 1510, line 14, strike "may" and substitute "shall".

(179) On page 1871, strike line 16.

(180) On page 1871, line 17, strike "711.011" and substitute "711.010".

(181) On page 1883, strike lines 16-26.

(182) On page 1883, line 27, strike "711.011" and substitute "711.010".

(183) On page 1885, line 6, between the period and "(V.A.C.S.", insert the following:

"(f) This section does not apply to:

(1) a family, fraternal, or community cemetery that is not larger than 10 acres;

(2) an association of plot owners not operated for profit;

(3) a church, a religious society or denomination, or a corporation solely administering the temporalities of a church or religious society or denomination; or

(4) a public cemetery belonging to this state or a county or municipality."

(184) On page 1885, line 7, strike "(part)".

(185) On page 1994, line 12, between "board" and "in", insert "and to all participating public agencies".

(186) On page 2240, line 21, strike "felis catus" and substitute "Felis Catus".

(187) On page 2240, line 24, strike "canis" and substitute "Canis".

(188) On page 2241, line 2, strike "this state or any other" and substitute "one or more of the 50 states."

(189) On page 2241, strike line 3.

(190) On page 2241, between lines 3 and 4, insert the following:

"(9) "Quarantine" means strict confinement of an animal specified in an order of the board or its designee:

(A) on the private premises of the animal's owner or at a facility approved by the board or its designee; and

(B) under restraint by closed cage or paddock or in any other manner approved by board rule."

(191) On page 2241, line 4, strike "(9)" and substitute "(10)".

(192) On page 2241, line 7, strike "(10)" and substitute "(11)".

(193) On page 2244, line 11, strike "before" and substitute "by the time".

(194) On page 2249, strike lines 20-25.

- (195) On page 2249, line 26, strike "(c)" and substitute "(b)".
- (196) On page 2250, line 3, strike "(d)" and substitute "(c)".
- (197) On page 2250, line 8, strike "(e)" and substitute "(d)".
- (198) On page 2250, line 10, strike "1.03(9);".

ARTICLE 2

Amend Engrossed Rider No. 1 to H.B. 2136 as follows:

- (1) On page 2, line 20, strike "ARE" and substitute "COULD BE CLASSIFIED AS".
- (2) On page 10, line 3, strike "DANGER" and substitute "ENDANGERMENT".
- (3) On page 10, line 6, strike "DANGER" and substitute "ENDANGERMENT".
- (4) On page 11, line 23, strike "In" and substitute "Unless the context requires a different definition, in".
- (5) On page 15, line 23, strike "environmental response law" and substitute "federal Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. Section 9601 et seq.)".
- (6) On page 17, strike line 18 and substitute "federal Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. Section 9601 et seq.)".
- (7) On page 22, strike lines 1-6 and substitute "WASTE AND INDUSTRIAL SOLID WASTE. When both municipal solid waste and industrial solid waste, except Class I industrial solid waste that is not routinely collected with municipal solid waste and hazardous waste, are involved in any activity of management of solid waste, the department has jurisdiction over the activity. (V.A.C.S. Art. 4477-7, Sec. 3(c)".
- (8) On page 22, line 17, between "fees" and "to", insert "under this section and Sections 361.014 and 361.065".
- (9) On page 23, line 3, strike "generated or".
- (10) On page 23, line 6, between "fees" and "to", insert "under this section and Sections 361.013 and 361.065".
- (11) On page 32, line 25, strike "ARE" and substitute "COULD BE CLASSIFIED AS".
- (12) On page 39, line 21, after the period, add "During this process, persons are encouraged to identify issues of concern and work with the applicant to resolve those issues.".
- (13) On page 41, line 6, between "to" and "persons", insert "all".
- (14) On page 42, line 7, between "a" and "report", insert "fact-finding".
- (15) On page 42, strike lines 10 and 11 and substitute "Subsection (i)(2) to the agency with its permit application.".
- (16) On page 43, line 22, between "fees" and "to", insert "under this section and Sections 361.013 and 361.014".
- (17) On page 58, line 17, strike "on the request of" and substitute "to".
- (18) On page 58, strike line 18 and substitute "applicant and persons affected. The agency may also hold a hearing on its own motion. (V.A.C.S.)".
- (19) On page 59, line 1, strike "on the" and substitute "to".
- (20) On page 59, strike line 2 and substitute "the permit holder and persons affected. The department or commission may also hold a hearing on its own".
- (21) On page 59, strike line 27 and substitute:
"(c) This section does not change or limit any authority the commission".
- (22) On page 60, line 1, strike "authority" and substitute "may have".
- (23) On page 65, line 2, strike "from a county or".
- (24) On page 65, line 3, between "361.165" and the period add "or from a county".

(25) On page 66, strike lines 13-18 and substitute the following:
"OTHER POLITICAL SUBDIVISION. (a) Except as specifically provided by this chapter, this subchapter does not limit the powers and duties of a local government or other political subdivision of the state as conferred by this or other law.

(b) Section 361.094 and 361.095 do not affect the power of a local government or other."

(26) On page 69, line 22, strike the comma.

(27) On page 69, line 23, strike "as appropriate,".

(28) On page 108, line 4, strike "an investigation" and substitute "examination of a possible violation and the facts surrounding that possible violation".

(29) On page 110, line 9, between "the" and "violation", insert "fact of the".

(30) On page 112, line 25, strike "an investigation" and substitute "examination of a possible violation and the facts surrounding that possible violation".

(31) On page 114, line 27, between "the" and "violation", insert "fact of the".

(32) On page 116, line 2, strike "DANGER" and substitute "ENDANGERMENT".

(33) On page 116, line 6, strike "the" and substitute "any".

(34) On page 116, line 9, strike "the" and substitute "any".

(35) On page 116, line 13, strike "another" and substitute "any other".

(36) On page 116, line 18, between "accepted" and "solid", insert "any".

(37) On page 116, line 22, strike "DANGER" and substitute "ENDANGERMENT".

(38) On page 116, line 26, strike "danger" and substitute "endangerment".

(39) On page 117, line 3, strike "a" and substitute "any".

(40) On page 121, line 11, between the period and "If", insert "(a)".

(41) On page 121, line 13, strike "capable of being managed" and substitute "divisible,".

(42) On page 121, strike line 14.

(43) On page 121, line 15, strike "releases caused by acts or omissions of other persons,".

(44) On page 121, line 18, strike "capable of being managed under a" and substitute "divisible,".

(45) On page 121, strike line 19.

(46) On page 121, line 20, strike "releases caused by acts or omissions of other persons,".

(47) On page 121, between lines 22 and 23, add the following:

"(b) In this section, "divisible" means that the waste released or threatened to be released has been and is capable of being managed separately under the remedial action plan."

(48) On page 169, strike lines 19-27 and on page 170, strike lines 1-15 and substitute the following:

Sec. 382.084. INJUNCTION. (a) On application for injunctive relief and a finding that a person is violating or threatening to violate any provision of this chapter or any board rule or order, a district court shall grant the injunctive relief warranted by the facts.

(b) The court shall grant, without a bond or other undertaking by the board, any prohibiting or mandatory injunctions the facts may warrant, including temporary restraining orders after notice and hearing, temporary injunctions, and permanent injunctions.

(c) The board or the executive director may seek an injunction or cause a suit for injunctive relief to be instituted to stop:

(1) work on a facility that is:

(A) being done without a construction permit, special permit, or exemption required under this chapter; or

(B) in violation of the terms of a permit, special permit, or exemption issued under this chapter; and

(2) the operation of a facility that:

(A) is operating without an operating permit required under this chapter; or

(B) is operating in violation of the terms of an operating permit issued under this chapter. (V.A.C.S. Art. 4477-5, Secs. 3.27(h), 3.28(f), 4.02(a) (part), (c); 4.04(b) (part).)

(49) On page 199, line 19, strike "pertaining to the establishment or vehicle" and substitute "of any item".

(50) On page 202, line 21, strike the "and" at the end of the line.

(51) On page 202, line 22, strike "verify".

(52) On page 223, strike lines 14 and 15 and substitute "(a)(1) if it consists in whole or in part of any".

(53) On page 223, strike lines 17 and 18 and substitute "(2)(A) if it has been prepared, packed, or held".

(54) On page 223, line 22, between "(B)" and "is", insert "if it".

(55) On page 224, line 3, between "(3)" and "its", insert "if".

(56) On page 224, line 6, between "(4)" and "it", insert "if".

(57) On page 224, line 13, between "(5)" and "it", insert "if".

(58) On page 225, line 15, strike "barred" and substitute "banned".

(59) On page 226, strike lines 3 and 4 and substitute "(a)(1) if its labeling is false or misleading in any".

(60) On page 226, line 6, between "(2)" and "its", insert "if".

(61) On page 232, line 16, strike "21" and substitute "15".

(62) On page 237, line 4, strike "(21 U.S.C. 201)" and substitute "(42 U.S.C. 201 et seq.)".

(63) On page 240, line 7, strike "21" and substitute "15".

(64) On page 245, strike line 23 and substitute "food, drug, device, or cosmetic shall be deemed to be false if it is false".

(65) On page 245, line 24, between "misleading" and the period, insert "in any particular".

(66) On page 246, line 24, strike "431.185" and substitute "431.183(a)".

(67) On page 247, line 24, strike the first "a" and substitute "each".

(68) On page 248, line 13, between "each" and "business", insert "place of".

(69) On page 251, line 22, between "483" and the semicolon, insert "(Dangerous Drugs)".

(70) On page 252, strike lines 8-16 and substitute the following:

"Sec. 431.221. **APPLICABILITY TO CERTAIN PERSONS.** (a) In this chapter, "manufacture" means the process of combining or purifying food and packaging food for sale to a consumer at wholesale or retail.

(b) Any person, firm, or corporation that represents itself as responsible for the purity and the proper labeling of any article of food by placing or having placed its name and address on the label of any food shall be deemed a manufacturer and shall be included within the meaning of this section.

(c) This subchapter does not apply to a person, firm, or corporation that harvests, packages, washes, or ships raw fruits or vegetables. (V.A.C.S. Art. 4476-5, Sec. 28(e), as amended by Sec. 1, Ch. 913, Acts 69th Leg., R.S., 1985, editorially relettered as (f).)

The committee amendment was read and was adopted viva voce vote.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading viva voce vote.

HOUSE BILL 2136 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **H.B. 2136** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

GUESTS PRESENTED

Upon recognition, Senator Barrientos introduced the following guests from Ciudad Victoria, Tamaulipas, Mexico: Mayor Tito Resendez-Trevino; Raul Vargas-Saldivar, City Manager; Jose Zermeno-Arreol, City Treasurer; Alfonso Rodriguez, Head of the Services Department; Joe Pena-Vega, Director of Material Resources, and four representatives of the Chamber of Commerce.

The Senate greeted these visitors as special guests for the day.

COMMITTEE SUBSTITUTE

SENATE BILL 1086 ON SECOND READING

On motion of Senator McFarland and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1086, Relating to the state allocation and reservation system for private activity bonds and to bonds issued by an industrial development corporation.

The bill was read second time and was passed to engrossment viva voce vote.

COMMITTEE SUBSTITUTE

SENATE BILL 1086 ON THIRD READING

Senator McFarland moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1086** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

LEAVE OF ABSENCE

Senator Washington was granted leave of absence for the remainder of today on account of important business on motion of Senator Brooks.

(Senator Ratliff in Chair)

COMMITTEE SUBSTITUTE

SENATE BILL 1757 ON SECOND READING

Senator Edwards asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 1757, Relating to utility audits or evaluations required by the public utility commission.

There was objection.

Senator Edwards then moved to suspend the regular order of business and take up **C.S.S.B. 1757** for consideration at this time.

The motion prevailed by the following vote: Yeas 20, Nays 8.

Yeas: Barrientos, Brown, Caperton, Carriker, Dickson, Edwards, Green, Harris, Henderson, Johnson, Leedom, Lyon, Montford, Parker, Parmer, Sims, Tejeda, Truan, Uribe, Whitmire.

Nays: Armbrister, Bivins, Brooks, Haley, Krier, McFarland, Ratliff, Zaffirini.

Absent: Glasgow, Santiesteban.

Absent-excused: Washington.

The bill was read second time and was passed to engrossment viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 1757 ON THIRD READING

Senator Edwards moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1757** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 23, Nays 5.

Yeas: Barrientos, Brown, Caperton, Carriker, Dickson, Edwards, Green, Haley, Harris, Henderson, Johnson, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Sims, Tejeda, Truan, Uribe, Whitmire.

Nays: Armbrister, Bivins, Brooks, Krier, Zaffirini.

Absent: Glasgow, Santiesteban.

Absent-excused: Washington.

The bill was read third time and was passed by the following vote: Yeas 20, Nays 8.

Yeas: Barrientos, Brown, Caperton, Carriker, Dickson, Edwards, Green, Harris, Henderson, Johnson, Leedom, Lyon, Montford, Parker, Parmer, Sims, Tejeda, Truan, Uribe, Whitmire.

Nays: Armbrister, Bivins, Brooks, Haley, Krier, McFarland, Ratliff, Zaffirini.

Absent: Glasgow, Santiesteban.

Absent-excused: Washington.

COMMITTEE SUBSTITUTE SENATE BILL 1404 ON SECOND READING

On motion of Senator Caperton and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1404, Relating to the creation of a special needs parole program for inmates of the Texas Department of Corrections who are elderly, significantly ill, physically handicapped, mentally retarded, or mentally ill.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1404 ON THIRD READING**

Senator Caperton moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.B. 1404 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Washington.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 303 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 303, Relating to the availability of jury-recommended probation for certain persons convicted of the offense of delivery of a controlled substance to a minor.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 303 ON THIRD READING**

Senator Zaffirini moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.B. 303 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Washington.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATE JOINT RESOLUTION 50 ON SECOND READING

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.J.R. 50, Proposing a constitutional amendment to authorize the clarification and simplification of the notice of revaluation delivered to a property owner.

The resolution was read second time and was passed to engrossment viva voce vote.

SENATE JOINT RESOLUTION 50 ON THIRD READING

Senator Montford moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that S.J.R. 50 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Washington.

The resolution was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATE BILL 1228 ON SECOND READING

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1228, Relating to the notice of appraised value delivered by the chief appraiser of a county appraisal district.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 1228 ON THIRD READING

Senator Montford moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 1228** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Washington.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1333 ON SECOND READING**

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1333, Relating to the punishment for offenses under the Texas Controlled Substances Act involving cocaine in a relatively pure form.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1333 ON THIRD READING**

Senator Armbrister moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1333** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Washington.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

(President in Chair)

SENATE RESOLUTION 649

Senator Parker offered the following resolution:

WHEREAS, Harry Hubbard, President of the Texas American Federation of Labor and Congress of Industrial Organizations since 1973, is retiring from his post after 16 years of dedicated service, and it is indeed appropriate that the Texas Senate pay tribute to this outstanding public servant; and

WHEREAS, Prior to being elected president, Mr. Hubbard was Legislative Director and Secretary-Treasurer of the state labor organization; and

WHEREAS, He is a 45-year veteran in the labor movement, having joined the Hod Carriers Union in Freeport in 1942; and

WHEREAS, During Mr. Hubbard's tenure, the Texas AFL-CIO has developed both respect and political clout; his leadership has enabled labor to preserve legislative and political gains for Texas workers; and

WHEREAS, His leadership has brought Texas labor into the workings of state government; almost 100 union members have been appointed to state boards and commissions since his election as president; and

WHEREAS, With his help, the Texas labor organization became a cooperative partner with state government leaders initiating a reasoned approach to politics based upon trust, honesty, and mutual support; and

WHEREAS, Because of his wise counsel and vision, the Texas AFL-CIO developed an internal political education program that made a COPE endorsement for local and statewide candidates meaningful; and

WHEREAS, Under his directorship the labor organization has worked through the courts and with the legislature to create a more fair and just society for all Texas citizens; and

WHEREAS, His personal style and unquestioned integrity guaranteed that organized labor's commitment to a project would be honored; and

WHEREAS, Born on December 23, 1924, Harry Hubbard graduated from Huntington High School and has completed labor law courses at Lamar University in Beaumont; and

WHEREAS, After serving three years in the United States Navy, he first became a member of Local 4-228 of the Oil, Chemical and Atomic Workers in Port Neches in 1946, where he still holds membership; and

WHEREAS, He and his gracious wife, Marceil, are the proud parents of a son, Robert Eugene, and a daughter, Janis Ann, and are grandparents to four grandsons; and

WHEREAS, Mr. Hubbard currently serves as a member of the Board of Trustees of the John E. Gray Institute for Business, Labor and Industry at Lamar University and Executive Board member of United Way of Texas; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 71st Legislature, hereby commend Harry Hubbard for his fruitful years of service to the members of the AFL-CIO and the citizens of Texas; and, be it further

RESOLVED, That a copy of this Resolution be prepared for him as a token of the respect and appreciation of the Texas Senate.

The resolution was read.

On motion of Senator Barrientos and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Parker, the resolution was adopted viva voce vote.

GUESTS PRESENTED

Following laudatory remarks by Senators Harris, Edwards, Green, Whitmire, Haley and Uribe, Senator Barrientos introduced Marceil Hubbard, and Senator Parker escorted Mr. and Mrs. Hubbard to the President's Rostrum.

The Senate extended warm greetings to these guests as they were presented an enrolled copy of S.R. 649 by the President.

**COMMITTEE SUBSTITUTE
HOUSE BILL 981 ON SECOND READING**

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 981, Relating to the application of the limited sales and use tax to certain items sold to or used by broadcasting stations and motion picture theaters or used in the production of motion pictures.

The bill was read second time and was passed to third reading viva voce vote.

**COMMITTEE SUBSTITUTE
HOUSE BILL 981 ON THIRD READING**

Senator Harris moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.H.B. 981** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Washington.

The bill was read third time and was passed viva voce vote.

HOUSE BILL 428 ON SECOND READING

On motion of Senator Carriker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 428, Relating to a reduced oil production tax rate for oil from certain enhanced recovery projects; providing a civil penalty.

The bill was read second time and was passed to third reading viva voce vote.

HOUSE BILL 428 ON THIRD READING

Senator Carriker moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **H.B. 428** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Washington.

The bill was read third time and was passed viva voce vote.

SENATE BILL 963 ON SECOND READING

On motion of Senator Henderson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 963, Relating to providing tax and regulatory relief as incentives for the production of certain gas that is difficult or expensive to produce.

The bill was read second time.

Senator Henderson offered the following committee amendment to the bill:

Amend Section 201.057(b) of **S.B. 963** to read as follows:

(b) High-cost gas produced from a well that is spudded or completed between the date of enactment and September 1, 1996, is exempt from the tax imposed by this

chapter during the period beginning September 1, 1991 and ending August 31, 2001.

The committee amendment was read and was adopted viva voce vote.

On motion of Senator Henderson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

SENATE BILL 963 ON THIRD READING

Senator Henderson moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 963** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Washington.

The bill was read third time and was passed viva voce vote.

COMMITTEE SUBSTITUTE

SENATE BILL 1695 ON SECOND READING

On motion of Senator Haley and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1695, Relating to the regulation of persons who in connection with the sale of goods or services offer prizes or gifts and/or solicit participation in sweepstakes or contests; providing a penalty.

The bill was read second time and was passed to engrossment viva voce vote.

COMMITTEE SUBSTITUTE

SENATE BILL 1695 ON THIRD READING

Senator Haley moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1695** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Washington.

The bill was read third time and was passed viva voce vote.

COMMITTEE SUBSTITUTE

SENATE BILL 442 ON SECOND READING

On motion of Senator Johnson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 442, Relating to the regulation of timeshare interests; providing a penalty.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 442 ON THIRD READING**

Senator Johnson moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 442** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Washington.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1643 ON SECOND READING**

On motion of Senator Green and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1643, Relating to agreements between spouses regarding rights of survivorship in community property.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1643 ON THIRD READING**

Senator Green moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1643** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Washington.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 802 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 802, Relating to the suspension or denial of driving privileges for certain persons under 21 years of age who engage in conduct or commit an offense related to drugs or alcohol.

The bill was read second time.

Senator Green offered the following amendment to the bill:

Amend **C.S.S.B. 802** by striking SECTION 5 and renumbering the remaining sections accordingly.

The amendment was read and was adopted viva voce vote.

On motion of Senator Zaffirini and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 802 ON THIRD READING**

Senator Zaffirini moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.B. 802 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Washington.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1677 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1677, Relating to the creation of offenses for delivery, sale, or manufacture of inhalant paraphernalia used with volatile chemicals, abusable glues, or aerosol paints and to the monitoring and enforcing of regulations relating to volatile chemicals, abusable glues, and aerosol paints.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1677 ON THIRD READING**

Senator Zaffirini moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.B. 1677 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Washington.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 376 ON SECOND READING**

On motion of Senator Brown and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 376, Relating to the availability of release on personal bond for certain defendants.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 376 ON THIRD READING**

Senator Brown moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.B. 376 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Washington.

The bill was read third time and was passed viva voce vote.

**MOTION TO PLACE COMMITTEE SUBSTITUTE
SENATE BILL 866 ON SECOND READING**

Senator Uribe moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 866. Relating to the regulation of the practice of landscape architecture.

The motion was lost by the following vote: Yeas 10, Nays 14.

Yeas: Armbrister, Barrientos, Brooks, Haley, Krier, Parmer, Ratliff, Tejeda, Uribe, Zaffirini.

Nays: Bivins, Brown, Carriker, Edwards, Green, Harris, Henderson, Johnson, Leedom, Lyon, Parker, Sims, Truan, Whitmire.

Absent: Caperton, Dickson, Glasgow, McFarland, Montford, Santiesteban.

Absent-excused: Washington.

SENATE RULE 11.11 SUSPENDED

On motion of Senator Brooks and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Health and Human Services might consider **H.B. 1741** at 2:00 p.m. today.

SENATE BILL 1814 ON SECOND READING

On motion of Senator Ratliff and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1814. Relating to the identification, possession, and unlawful use of certain containers: providing a penalty.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 1814 ON THIRD READING

Senator Ratliff moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 1814** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Washington.

The bill was read third time and was passed viva voce vote.

HOUSE BILL 1416 ON SECOND READING

On motion of Senator Ratliff and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1416. Relating to criminal mischief involving services subject to regulation by the Texas Water Commission.

The bill was read second time and was passed to third reading viva voce vote.

HOUSE BILL 1416 ON THIRD READING

Senator Ratliff moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **H.B. 1416** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Washington.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

MESSAGE FROM THE HOUSE

House Chamber
May 16, 1989

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 236, Encouraging the Texas Committee for the Humanities to initiate programs in international studies.

H.C.R. 240, Requesting the presiding officers to create a committee to investigate the bank and savings and loan crisis.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILL 692 ON THIRD READING

Senator Lyon moved that the regular order of business be suspended and that **S.B. 692** be placed on its third reading and final passage.

S.B. 692, Relating to the compensation of a deputy sheriff assigned to duty as a bailiff in certain counties.

The motion prevailed by the following vote: Yeas 15, Nays 7.

Yeas: Armbrister, Barrientos, Carriker, Edwards, Green, Johnson, Krier, Lyon, Parker, Parmer, Tejada, Truan, Uribe, Whitmire, Zaffirini.

Nays: Bivins, Brown, Glasgow, Henderson, Leedom, Ratliff, Sims.

Absent: Brooks, Caperton, Dickson, Haley, Harris, McFarland, Montford, Santiesteban.

Absent-excused: Washington.

The bill was read third time.

Senator Krier offered the following amendment to the bill:

On page 1, line 25, of **S.B. 692**, strike "950,000" and substitute "1.3 million".

By unanimous consent, the amendment was read and was adopted viva voce vote.

On motion of Senator Lyon and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was finally passed by the following vote: Yeas 15, Nays 7.

Yeas: Armbrister, Barrientos, Carriker, Edwards, Green, Johnson, Krier, Lyon, Parker, Parmer, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Nays: Bivins, Brown, Glasgow, Henderson, Leedom, Ratliff, Sims.

Absent: Brooks, Caperton, Dickson, Haley, Harris, McFarland, Montford, Santiesteban.

Absent-excused: Washington.

**COMMITTEE SUBSTITUTE
SENATE BILL 1451 ON SECOND READING**

Senator Barrientos moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 1451, Relating to the imposition of a fee on bonds in criminal cases and the creation of the crime stoppers assistance fund in the state treasury.

The motion prevailed by the following vote: Yeas 18, Nays 4.

Yeas: Armbrister, Barrientos, Bivins, Dickson, Edwards, Green, Haley, Henderson, Johnson, Krier, Parmer, Ratliff, Sims, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Nays: Carriker, Glasgow, Leedom, Lyon.

Absent: Brooks, Brown, Caperton, Harris, McFarland, Montford, Parker, Santiesteban.

Absent-excused: Washington.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1451 ON THIRD READING**

Senator Barrientos moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1451** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 18, Nays 4.

Yeas: Armbrister, Barrientos, Bivins, Dickson, Edwards, Green, Haley, Henderson, Johnson, Krier, Parmer, Ratliff, Sims, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Nays: Carriker, Glasgow, Leedom, Lyon.

Absent: Brooks, Brown, Caperton, Harris, McFarland, Montford, Parker, Santiesteban.

Absent-excused: Washington.

The bill was read third time and was passed viva voce vote.

RECORD OF VOTE

Senator Glasgow asked to be recorded as voting "Nay" on the final passage of the bill.

**COMMITTEE SUBSTITUTE
SENATE BILL 604 ON SECOND READING**

On motion of Senator Green and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 604, Relating to reserve law enforcement officers and certain peace officers.

The bill was read second time.

Senator Green offered the following amendment to the bill:

Amend **C.S.S.B. 604** as follows:

Section 1, page 1, line 31 (Committee printing): insert the words "nonpaid regular" before "peace officer".

Section 1, page 1, line 34 (Committee printing): delete the word "commissioned". After "peace officer" insert "licensed by the Texas Commission on Law Enforcement Standards and Education as provided in Chapter 415, Government Code".

Section 3, page 1, line 60 (Committee printing): insert "nonpaid regular peace officer or" before "reserve law enforcement officer".

The amendment was read and was adopted viva voce vote.

On motion of Senator Green and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 604 ON THIRD READING**

Senator Green moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 604** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Washington.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 988 ON SECOND READING**

Senator Krier moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 988, Relating to the removal of a member of a state board or commission for the failure to attend meetings.

The motion prevailed by the following vote: Yeas 22, Nays 0.

Absent: Brooks, Caperton, Glasgow, Haley, Harris, McFarland, Montford, Santiesteban.

Absent-excused: Washington.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 988 ON THIRD READING**

Senator Krier moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.B. 988 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 22, Nays 0.

Absent: Brooks, Caperton, Glasgow, Haley, Harris, McFarland, Montford, Santiesteban.

Absent-excused: Washington.

The bill was read third time and was passed viva voce vote.

SENATE RULE 11.11 SUSPENDED

On motion of Senator Johnson, on behalf of Senator Caperton, and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Finance might consider H.B. 2050 at 9:00 a.m. tomorrow.

**NOTICE OF SESSION TO HOLD
LOCAL AND UNCONTESTED BILLS CALENDAR**

Senator Sims announced that a Local and Uncontested Bills Calendar had been placed on the Members' desks and gave notice that a Local and Uncontested Bills Calendar would be held at 8:00 a.m. tomorrow and that all bills would be considered on second reading in the order in which they are listed.

MEMORIAL RESOLUTIONS

S.R. 644 - By Barrientos: In memory of George Bailey of Austin.

S.R. 647 - By Barrientos, Brooks: In memory of Townsend C. Miller of Austin.

CONGRATULATORY RESOLUTIONS

S.C.R. 152 - By Barrientos: Extending congratulations to the Haynie Chapel United Methodist Church on its 150th anniversary and for ministering to generations of Texans.

S.R. 645 - By Barrientos: Extending congratulations to Cypress Elementary School for receiving the 1989 Outstanding School Volunteer Program Award for a small district.

S.R. 646 - By Barrientos: Extending congratulations to the Stephen F. Austin Girls' Swim Team for their recent accomplishments.

S.R. 648 - By Uribe: Extending congratulations to Craig Stephen Ames of Hereford on his ninth birthday.

S.R. 650 - By Carriker: Extending congratulations to the Keck family on the happy occasion of their family reunion.

S.R. 651 - By McFarland: Extending congratulations to Christine B. Siegfried on being named Social Worker of the Year for the Tarrant County Unit of the National Association of Social Workers/Texas.

RECESS

On motion of Senator Carriker, the Senate at 12:24 p.m. took recess until 8:00 a.m. tomorrow.